United Nations A/63/410

General Assembly

Distr.: General
3 December 2008

Original: Arabic

Sixty-third session
Agenda item 38

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Report of the Second Committee

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I. Introduction

1. At its 2nd plenary meeting, on 19 September 2008, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-third session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" and to allocate it to the Second Committee.

2. The Second Committee considered the item at its 13th, 19th and 28th meetings, on 20 and 28 October and on 20 November 2008. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.2/63/SR.13, 19 and 28). Attention is also drawn to the general debate held by the Committee at its 2nd to 6th meetings, from 6 to 8 October (see A/C.2/63/SR.2-6).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant chapters of the report of the Economic and Social Council for 2008;[1]

(b) Note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social

[1] A/63/3 and Add.1; for the final text see *Official Records of the General Assembly, Sixty-third Session, Supplement No. 3* (A/63/3/Rev.1).

repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan (A/63/74-E/2008/13);

(c) Letter dated 8 July 2008 from the representative of Italy to the Secretary-General transmitting the four resolutions adopted by the 118th Assembly of the Inter-Parliamentary Union (Cape Town, South Africa, 18 April 2008) (A/63/123).

4. At the 13th meeting, on 20 October, the Officer-in-Charge of the United Nations Regional Commissions New York Office made an introductory statement (see A/C.2/63/SR.13).

5. At the same meeting, pursuant to section C, paragraph 3 (d), of General Assembly resolution 58/316, the Committee held a dialogue with the representative of the Secretariat, during which comments were made and questions were posed by the representative of the Syrian Arab Republic and the observer for Palestine, to which the Officer-in-Charge of the Regional Commissions New York Office responded (see A/C.2/63/SR.13).

II. Consideration of draft resolution A/C.2/63/L.5

6. At the 19th meeting, on 28 October, the representative of Egypt, on behalf of Algeria, Bahrain, Brunei Darussalam, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Namibia, Nicaragua, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, the Sudan, Tunisia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and Palestine,[2] introduced a draft resolution entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" (A/C.2/63/L.5). Subsequently, Pakistan joined in sponsoring the draft resolution.

7. At its 28th meeting on 20 November, the Committee was informed that the draft resolution had no programme budget implications.

8. At the same meeting, the Committee adopted draft resolution A/C.2/63/L.5 by a recorded vote of 139 to 6, with 4 abstentions (see para. 11). The voting was as follows:[3]

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Djibouti, Dominican

[2] In accordance with General Assembly resolution 52/250.

[3] Subsequently, the delegations of Belize, Bosnia and Herzegovina, Brazil, Denmark, Finland, Guinea, Peru, Saudi Arabia, Senegal, Sweden, Trinidad and Tobago, Uganda and Zambia indicated that, had they been present, they would have voted in favour; the delegation of Palau indicated that had it been present, it would have voted against; and the delegation of Haiti indicated that its vote in abstention had been in error and that it had intended to vote in favour.

Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Serbia, Singapore, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), United States of America.

Abstaining:

Côte d'Ivoire, Fiji, Haiti, Nauru.

9. Before the adoption of the draft resolution, a statement was made by the representative of the Syrian Arab Republic; after the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Israel and France (on behalf of the States Members of the United Nations that are members of the European Union) (see A/C.2/63/SR.28).

10. Also at the 28th meeting, a statement was made by the observer for Palestine (see A/C.2/63/SR.28).

III. Recommendation of the Second Committee

11. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

The General Assembly,

Recalling its resolution 62/181 of 19 December 2007, and taking note of Economic and Social Council resolution 2008/31 of 25 July 2008,

Recalling also its resolutions 59/251 of 22 December 2004 and 58/292 of 6 May 2004,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Recalling its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling, in this regard, the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2] and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem, as well as in the occupied Syrian Golan,

Recalling also the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[3] and recalling further its resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Expressing its concern at the exploitation by Israel, the occupying Power, of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] See resolution 2200 A (XXI), annex.

[3] A/ES-10/273 and Corr.1.

Expressing its grave concern at the extensive destruction by Israel, the occupying Power, of agricultural land and orchards in the Occupied Palestinian Territory, including the uprooting of a vast number of fruit-bearing trees,

Expressing its concern at the widespread destruction caused by Israel, the occupying Power, to vital infrastructure, including water pipelines and sewage networks, in the Occupied Palestinian Territory, which, inter alia, pollutes the environment and negatively affects the natural resources of the Palestinian people,

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, and of the dire socio-economic consequences in this regard,

Aware also of the detrimental impact on Palestinian natural resources being caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and of its grave effect as well on the economic and social conditions of the Palestinian people,

Reaffirming the need for the advancement of negotiations within the Middle East peace process, on the basis of Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973, 425 (1978) of 19 March 1978 and 1397 (2002) of 12 March 2002, the principle of land for peace, the Arab Peace Initiative,[4] and the Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,[5] as endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, for the achievement of a final settlement on all tracks,

Noting the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of settlements therein as a step towards the implementation of the road map,

Stressing the need for respect and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Taking note with appreciation of the note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan,[6]

1. *Reaffirms* the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

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[4] A/56/1026-S/2002/932, annex II, resolution 14/221.

[5] See S/2003/529, annex.

[6] A/63/74-E/2008/13.

2. *Calls upon* Israel, the occupying Power, not to exploit, damage, cause loss or depletion of, or endanger the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

3. *Recognizes* the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion, or endangerment of their natural resources resulting from illegal measures taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and expresses the hope that this issue will be dealt with in the framework of the final status negotiations between the Palestinian and Israeli sides;

4. *Stresses* that the wall being constructed by Israel in the Occupied Palestinian Territory, including in and around East Jerusalem, is contrary to international law and is seriously depriving the Palestinian people of their natural resources, and calls in this regard for full compliance with the legal obligations mentioned in the 9 July 2004 advisory opinion of the International Court of Justice[3] and in resolution ES-10/15;

5. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

6. *Also calls upon* Israel, the occupying Power, to cease the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely water and land resources, and pose an environmental hazard and health threat to the civilian populations;

7. *Further calls upon* Israel to cease its destruction of vital infrastructure, including water pipelines and sewage networks, which, inter alia, has a negative impact on the natural resources of the Palestinian people;

8. *Requests* the Secretary-General to report to it at its sixty-fourth session on the implementation of the present resolution, and decides to include in the provisional agenda of its sixty-fourth session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".